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In re Application of :
Gerald W. INGRAM et al. :
Application No. 09/847,999 :
Filed: May 4, 2001 :
Attorney Docket No. 43799-204796 :

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 26, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned as a result of petitioner's failure to take appropriate action in a timely manner after the decision of May 26, 2005 by the Board of Patent Appeals and Interferences. Therefore, the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(c). As no claim was allowed, the application became abandoned on July 27, 2005. See MPEP 1214.06.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an argument, Request for Continued Examination, and the \$790 filing fee; (2) the petition fee of \$1500; and (3) the required statement of unintentional delay have been received. Accordingly, the RCE and reply to the decision by the Board of Patent Appeals and Interferences of May 26, 2005 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to David A. Bucci at (571) 272-7099 or in his absence, the undersigned at (571) 272-3217.

The application file is being referred to Technology Center AU 2177 for appropriate action on the concurrently filed Request for Continued Examination and argument.

Brian Hearn
Petitions Examiner
Office of Petitions